

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - S/S Stevenson Lane, 194' SE of its intersection w York Road (7215 York Road) 9th Election District 4th Councilmanic District Baltimore Assoc. for Retarded Citizens - Petitioner

* BEFORE THE DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 94-223-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception, and Variance for the subject property located at 7215 York Road, in the Lutherville area of Baltimore County. The Petitions were filed by the owner of the property, the Baltimore Association of Retarded Citizens (BARC), by Stephen H. Morgan, Executive Director. The Petitioner seeks a special hearing to approve an amendment to the previously approved site plan in Case No. 64-58-A to permit off-street parking in a residential zone. In addition, the Petitioner requests a special exception to permit a Class "B" group child care center and outdoor play area on the subject property, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 424.7.B to permit a side and a rear yard vegetative buffer of 0 feet each in lieu of the required 20 feet for each; and to permit a rear yard setback of 17 feet in lieu of the required 50 feet; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 474.7.A to permit a lot size of 0.05 acres in lieu of the minimum required 1 acre plus 500 sq.ft. for every child beyond 40 children (50 children, or 1.11 acres). The relief sought is more particularly described on the plat to accompany the Petitions filed identified herein as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date 1/11/94
By [Signature]

Appearing on behalf of the Petitioner were Stephen H. Morgan, its Executive Director, and James E. Matis, Professional Engineer with G. W. Stephens, Jr. & Associates, Inc. The Petitioner was represented by G. Scott Barhight, Esquire. No one appeared in opposition to the relief requested, however, Ms. Ruth Williams, a nearby resident, appeared as an interested party.

Testimony indicated that the subject property, known as 7215 York Road, consists of a gross area of 2.10 acres, of which 0.73 acres are zoned B.C.-C.N.S. and the remaining 1.37 acres are zoned D.R. 5.5. The property is improved with a three-story general office building with a basement level, a two-story general office building which is connected to the three-story building via a common lobby, a service garage, and parking lot as shown on Petitioner's Exhibit 1. The Petitioner is desirous of utilizing the first floor of the two-story building for a Class B Group Child Care Center. In addition, the Petitioner seeks to use the second floor of the building for an Adult Day Care Center. Mr. Stephen Morgan testified that there will be approximately 45 to 48 children enrolled at the Child Day Care Center and approximately the same amount enrolled in the Adult Day Care Center. In addition to the Day Care center clients, BARC will also have approximately 15 staff members on the site. The three-story general office building will be used to house the administrative offices of BARC.

Further testimony revealed that the Petitioner also seeks to provide a small, outdoor play area on the property, adjacent to the two-story building. Inasmuch as the proposed play area extends into the D.R. 5.5 zoned portion of the site, a special exception is necessary. In addition, the location of the outdoor play area necessitates the requested

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variances to vegetative buffer requirements due to the unique shape of the lot and the location of existing improvements thereon.

Some testimony was offered as to the comments issued by the Office of Planning and Zoning dated January 4, 1994 concerning the outdoor play area. Ms. Williams also testified concerning the outdoor play area and the unimproved open space located on the far eastern portion of the site. Both the Office of Planning and Ms. Williams would like to see this unimproved open space area regularly maintained in a neat and orderly manner. Ms. Williams suggested that this area be improved with some park benches and picnic tables as well as play equipment for small children and toddlers. She is most concerned that this area might become a hang-out for young adults and teenagers if play equipment suitable for older kids were located in this area.

Testimony presented by the Petitioner's witnesses indicated that BARC is in the process of negotiating with the Department of Recreation and Parks and the nearby community association to ascertain the best and proper use of this unimproved open space. As of this writing, this issue has not been completely resolved, but at this time, the Petitioner is willing to maintain the area in question. In the event this open space area should be developed into a park-like setting, the Petitioner shall install a sidewalk of either concrete or macadam along the north side of the existing parking lot to assist any individual seeking to access this open space area or park. Testimony revealed that there is a narrow strip of land in this area that would be suitable for placement of a sidewalk.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. In the

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By [Signature]

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opinion of this Deputy Zoning Commissioner, off-street parking in the residential zone as set forth on Petitioner's Exhibit 1 will not adversely affect adjoining properties. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

As to the special exception request, it is clear that the B.C.Z.R. permits the use proposed in a B.C.-C.N.S. zone as a matter of right and in D.R. 5.5 zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restric

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Date 1/11/94
By [Signature]

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tions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the requested variances were not granted. It has been established that the relief requested is necessitated by existing conditions on the property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing, Special Exception and Variance shall be granted.

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ORDER RECEIVED FOR FILING
Date 1/11/94
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1994 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 64-58-A to permit off-street parking in a residential zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a Class "B" Group Child Care Center with an attached outdoor play area and an Adult Day Care Center on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 424.7.B to permit a side yard and a rear yard vegetative buffer of 0 feet in lieu of the required 20 feet for each, and to permit a rear yard setback of 17 feet in lieu of the required 50 feet; from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and from Section 474.7.A to permit a lot size of 0.05 acres in lieu of the minimum required 1 acre plus 500 sq.ft. for every child beyond 40 children (50 children, or 1.11 acres), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building and/or occupancy permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall replace the existing stockade fence along the perimeter of the property on the north and south sides of the parking lot with a new stockade fence. The Petitioner shall at all times maintain the stockade fence in good condition.

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- 3) The unimproved open space area on the easternmost portion of the site shall be regularly maintained in a neat and orderly condition. In the event this open space area is converted to provide a park-like setting, including picnic tables, park benches, and playground equipment for small children, the Petitioner shall construct a sidewalk of either concrete or macadam, or other appropriate materials, along the north side of the parking lot to provide access to the park area for those parties utilizing the two- and three-story buildings on the subject site. The sidewalk shall be constructed within sixty (60) days of the placement of any park benches, picnic tables, or children's play equipment in this area.
- 4) The Petitioner is prohibited from installing any play equipment which might attract older adolescents or young adults to this area.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TWK:bjs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/11/94
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

January 11, 1994

(410) 887-4386

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
S/S Stevenson Lane, 194' S of York Road
(7215 York Road)
9th Election District - 4th Councilmanic District
Baltimore Association of Retarded Citizens - Petitioner
Case No. 94-223-SPHXA

Dear Mr. Barhight:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

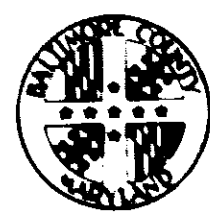
[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Ms. Ruth Williams
7204 Oxford Road, Towson, Md. 21204

People's Counsel

[Signature]



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 7215 York Road
which is presently zoned BH-CNS and DR-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 300.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

an amendment of the site plan for offstreet parking in a residential zone previously approved pursuant to Case No. 64-58A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

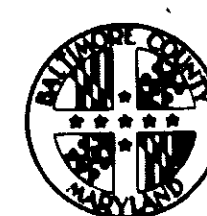
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City State Zipcode

Legal Owner(s)
Baltimore Association of Retarded Citizens
By: Stephen H. Morgan, Executive Director
Signature
Type or Print Name
Address
City State Zipcode

Attorney for Petitioner
G. Scott Barhight
Type or Print Name
Address
City State Zipcode

ORDER RECEIVED FOR FILING



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 7215 York Road
which is presently zoned BL-CNS and DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Class "B" group child care center (outdoor play area).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City State Zipcode

Legal Owner(s)
Baltimore Association of Retarded Citizens
By: Stephen H. Morgan, Executive Director
Signature
Type or Print Name
Address
City State Zipcode

Attorney for Petitioner
G. Scott Barhight
Type or Print Name
Address
City State Zipcode

ORDER RECEIVED FOR FILING



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 7215 York Road
which is presently zoned BL-CNS and DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

The practical difficulty and unreasonable hardship associated with the configuration of the site and the existing buildings in conjunction with all applicable bulk requirements.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Type or Print Name
Signature
Address
City State Zipcode

Legal Owner(s)
Baltimore Association of Retarded Citizens
By: Stephen H. Morgan, Executive Director
Signature
Type or Print Name
Address
City State Zipcode

Attorney for Petitioner
G. Scott Barhight
Type or Print Name
Address
City State Zipcode

ORDER RECEIVED FOR FILING

PETITION FOR VARIANCE

Petitioner: Baltimore Association for Retarded Citizens
Address: 7215 York Road, Baltimore, MD 21212

The Petitioners hereby petition for the following:

- A variance from Section 424.7.B to permit a 0 foot side yard vegetative buffer in lieu of the required 20 feet;
- A variance from Section 424.7.B to permit a 17 foot rear yard setback in lieu of the required 50 feet;
- A variance from Section 424.7.B to permit a 0 foot rear yard vegetative buffer in lieu of the required 20 feet;
- A variance from Section 424.7.E to permit an impervious surface area of 40% in lieu of the maximum permitted 25%; and
- A variance from Section 424.7.A to permit a lot size of 0.05 acres in lieu of the minimum requirement of 1 acre plus 500 square feet for every child beyond 40 children (50 children), or 1.11 acres.

221

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS

608 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
for Special Exception and Variance
Baltimore Association for Retarded Citizens
York Road at Stevenson Lane
7215 York Road

November 11, 1993

Beginning for the same at a point on or intended to be on the zoning demarcation line separating the BL-CNS and DR-5.5 zones, said point being distant South 58 degrees 56 minutes 05 seconds East 194 feet from the intersection of the centerlines of York Road and Stevenson Lane, running thence and leaving said zoning demarcation line the three following courses viz:

- South 79 degrees 00 minutes 34 seconds East 35 feet
- South 10 degrees 59 minutes 26 seconds West 65 feet
- North 79 degrees 00 minutes 34 seconds West 35 feet to a point on or intended to be on the previously described zoning demarcation line, thence binding on said line
- North 10 degrees 59 minutes 26 seconds East 65 feet

Containing 0.05 acres of land more or less.

This description is intended for zoning purposes only and is not for use in conveyance of property.

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS

608 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition
for Special Exception
Baltimore Association for Retarded Citizens
York Road at Stevenson Lane
7215 York Road

November 11, 1993

Beginning for the same at a point on the south side of Stevenson Lane on or intended to be on the zoning demarcation line separating the BL-CNS and DR-5.5 zones, said point being distant South 86 degrees 00 minutes 59 seconds East 183 feet from the intersection of the centerlines of York Road and Stevenson Lane, running thence and leaving said zoning demarcation line and binding along the south side of Stevenson Lane

- North 84 degrees 17 minutes 40 seconds East 24 feet, thence leaving Stevenson Lane and running the four following courses, viz:
 - South 05 degrees 42 minutes 20 seconds East 143 feet
 - North 84 degrees 17 minutes 40 seconds East 435.35 feet
 - South 12 degrees 02 minutes 40 seconds West 110.25 feet
 - South 84 degrees 17 minutes 40 seconds West 499 feet to a point on or intended to be on the zoning demarcation line separating the BL-CNS zone and the DR-5.5 zone, running thence and binding on said line
- North 10 degrees 59 minutes 26 seconds East 259 feet to the place of beginning

Containing 1.36 acres.

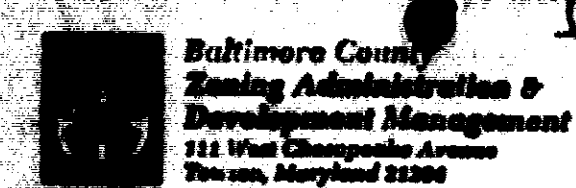
This description is intended for zoning purposes only and is not for use in conveyance of property.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

District: 94 Date of Posting: 11/11/93
Posted for: Special Hearing - Special Exception & Variance
Petitioner: Baltimore Association of Retarded Citizens
Location of property: 7215 York Rd. & Stevenson Lane
Location of signs: Along road by, on property, during work
Remarks:
Posted by: [Signature] Date of return: 11/11/93
Number of signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/11/93
THIS IS TO CERTIFY that the original advertisement was published in THE TOWSON NEWS, a weekly newspaper published in Towson, Baltimore County, MD, once in each of 1 consecutive weeks, the first publication appearing on 11/11/93.



ITEM 221

94-223-SHA

Account: R-001-4189

Number JCM

11-24-93

BALD ASSOC. FOR RETARDED CITIZENS - 7215 York Rd

VAR. (020)
SP. HPG (040)
SP. C (050)

650.00

650

105

755

81003002910WRC

PA 5002120P11-29-93

\$795.00

Item Number: 221
Planner: JCH
Date Filed: 11-29-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only 1 submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired
- ☒ ZONING IS INCORRECT ON SPECIFIC HEARING PETITION. P.C. SAYS THEY REQUEST A "GUTTER".

PET-FLAG (TXTSOPH)
11/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 221
Petitioner: BARS by Stephen Mayne
Location: 7215 York Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SCOTT BARHIGHT
ADDRESS: 4TH FLE 210 W. PENNSYLVANIA AVE.
TOWSON, MD 21204
PHONE NUMBER: 832-2050

AJ:ggg

(Revised 04/09/93)

TO: POTTERY PUBLISHING COMPANY
December 16, 1993 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight, Esq.
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204
410-832-2050

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-223-SPHA (Item 221)

7215 York Road
Intersection York Road and Stevenson Lane
9th Election District - 4th Councilmanic
Petitioner(s): Baltimore Association of Retarded Citizens
HEARING: WEDNESDAY, JANUARY 5, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment of the site plan for off-street parking in a residential zone previously approved pursuant to case 84-58-A.
Special Exception for a Class "B" group child care center (outdoor play area).
Variance to permit zero foot side yard vegetative buffer in lieu of required 20 feet; to permit a 17-foot rear yard setback in lieu of the required 50 feet; to permit a zero foot rear yard vegetative buffer in lieu of the required 20 feet; to permit an impervious surface area of 40% in lieu of the maximum permitted 25%, and to permit a lot area of .05 acre in lieu of the minimum required of 1 acre plus 500 square feet for every child beyond 40 children (50 children) or 1.11 acres.

LAWRENCE E. SCHWITZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 16, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-223-SPHA (Item 221)

7215 York Road
Intersection York Road and Stevenson Lane
9th Election District - 4th Councilmanic
Petitioner(s): Baltimore Association of Retarded Citizens
HEARING: WEDNESDAY, JANUARY 5, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment of the site plan for off-street parking in a residential zone previously approved pursuant to case 84-58-A.
Special Exception for a Class "B" group child care center (outdoor play area).
Variance to permit zero foot side yard vegetative buffer in lieu of required 20 feet; to permit a 17-foot rear yard setback in lieu of the required 50 feet; to permit a zero foot rear yard vegetative buffer in lieu of the required 20 feet; to permit an impervious surface area of 40% in lieu of the maximum permitted 25%, and to permit a lot area of .05 acre in lieu of the minimum required of 1 acre plus 500 square feet for every child beyond 40 children (50 children) or 1.11 acres.

ARNOLD JABLON
Director

cc: Baltimore Association of Retarded Citizens
G. Scott Barhight, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO Rm. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 23, 1993

G. Scott Barhight, Esquire
Fourth Floor
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 94-223-SPHA, Item No. 221
Petitioner: Baltimore Association of Retarded Citizens
Petitions for Special Hearing, Special Exception and Variance

Dear Mr. Barhight:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 29, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 20, 1993
Zoning Administration and Development Management
FROM: Robert W. Bowling, Senior Engineer
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for December 20, 1993
Item No. 221

The Developers Engineering Section has reviewed the subject zoning item. See the previous site comments dated December 7, 1993 for "Stevenson Court".

Robert W. Bowling, Sr. Engineer
Developers Engineering Section

RWB:s

SHA
Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-10-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 4221 (JCH)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

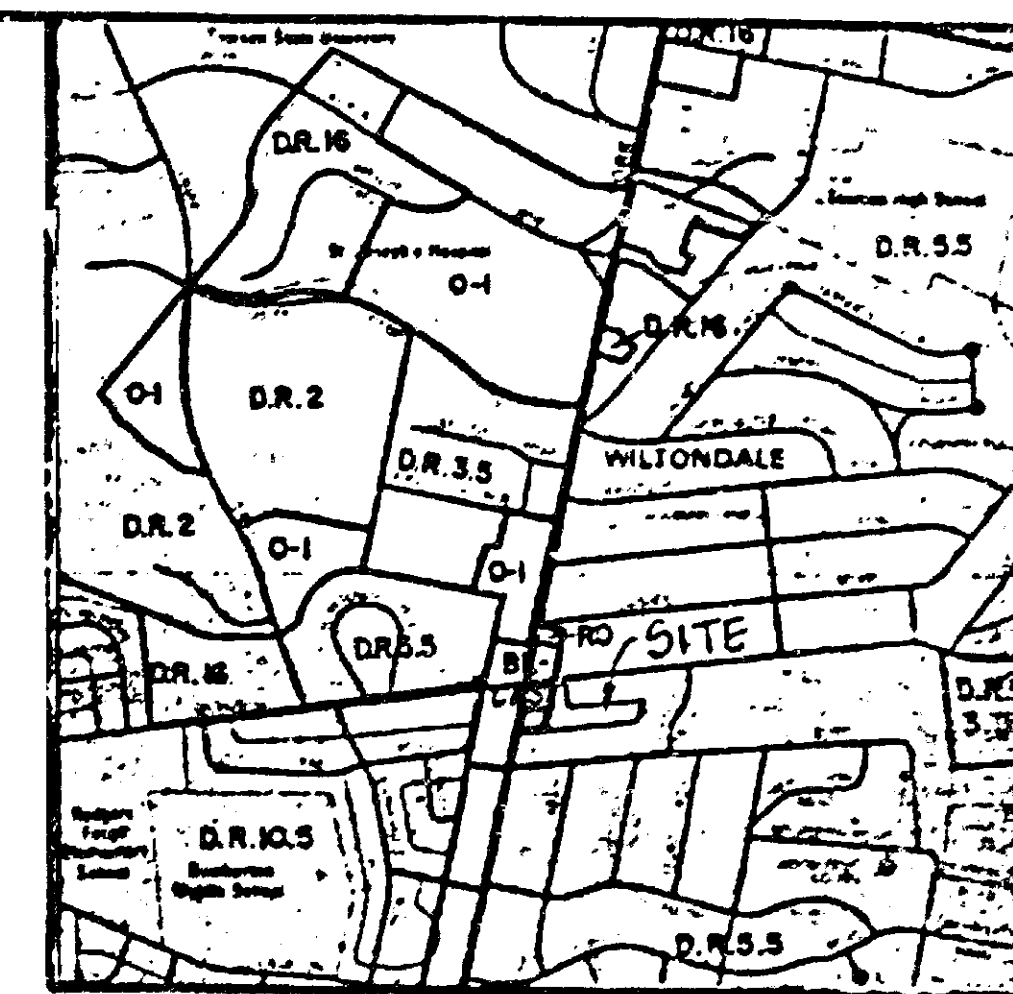
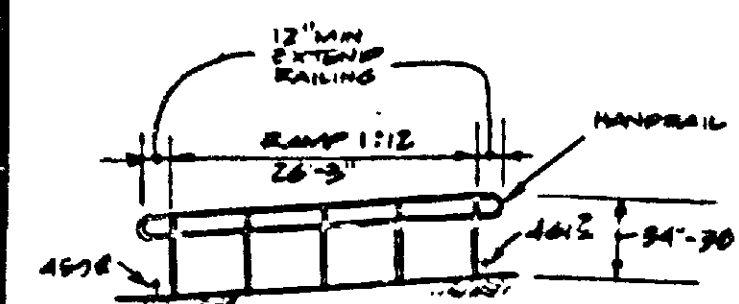
Bob Small
DAVID N. RAMSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

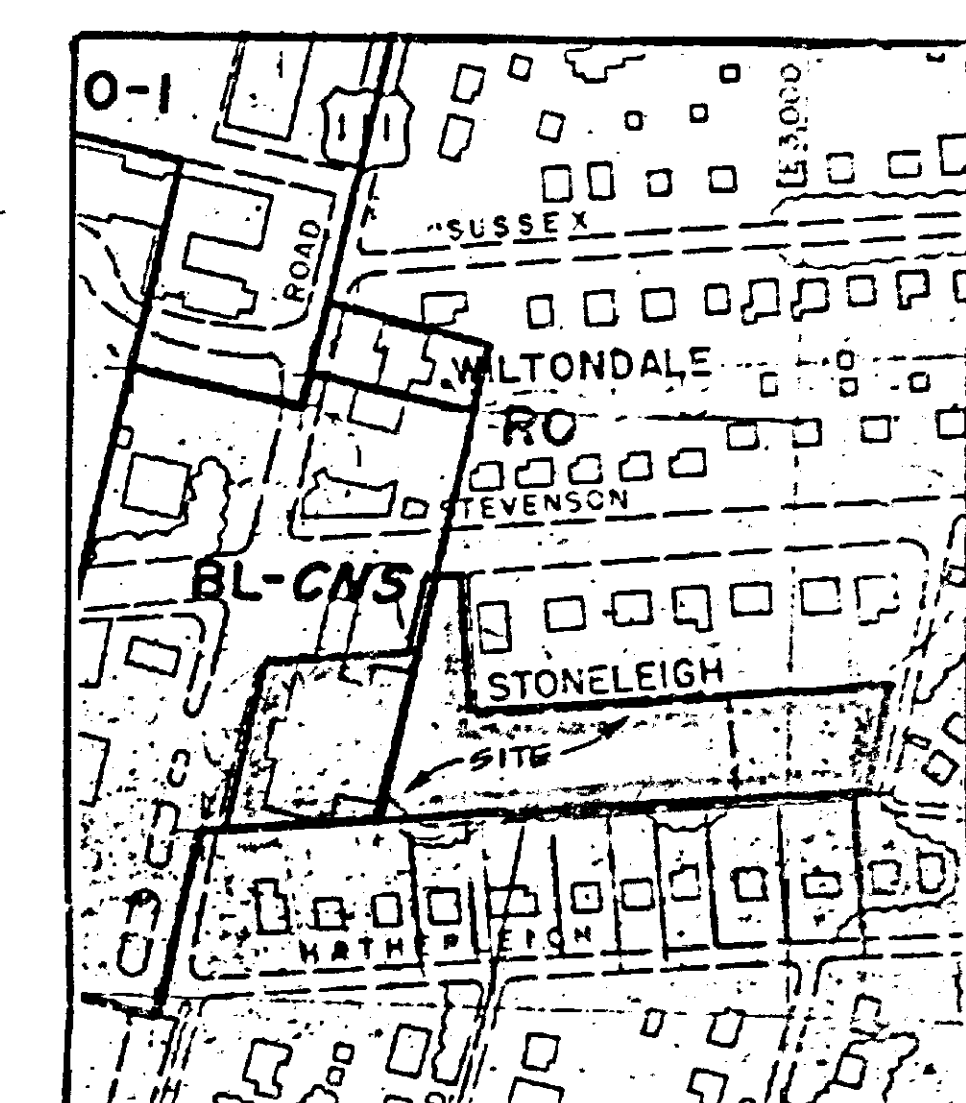
My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-5888 (Toll Free)

SHA
111 W. CHESAPEAKE AVE., 4TH FLOOR, TOWSON, MD 21204-0177
Direct: 410-333-1350, Ext. 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 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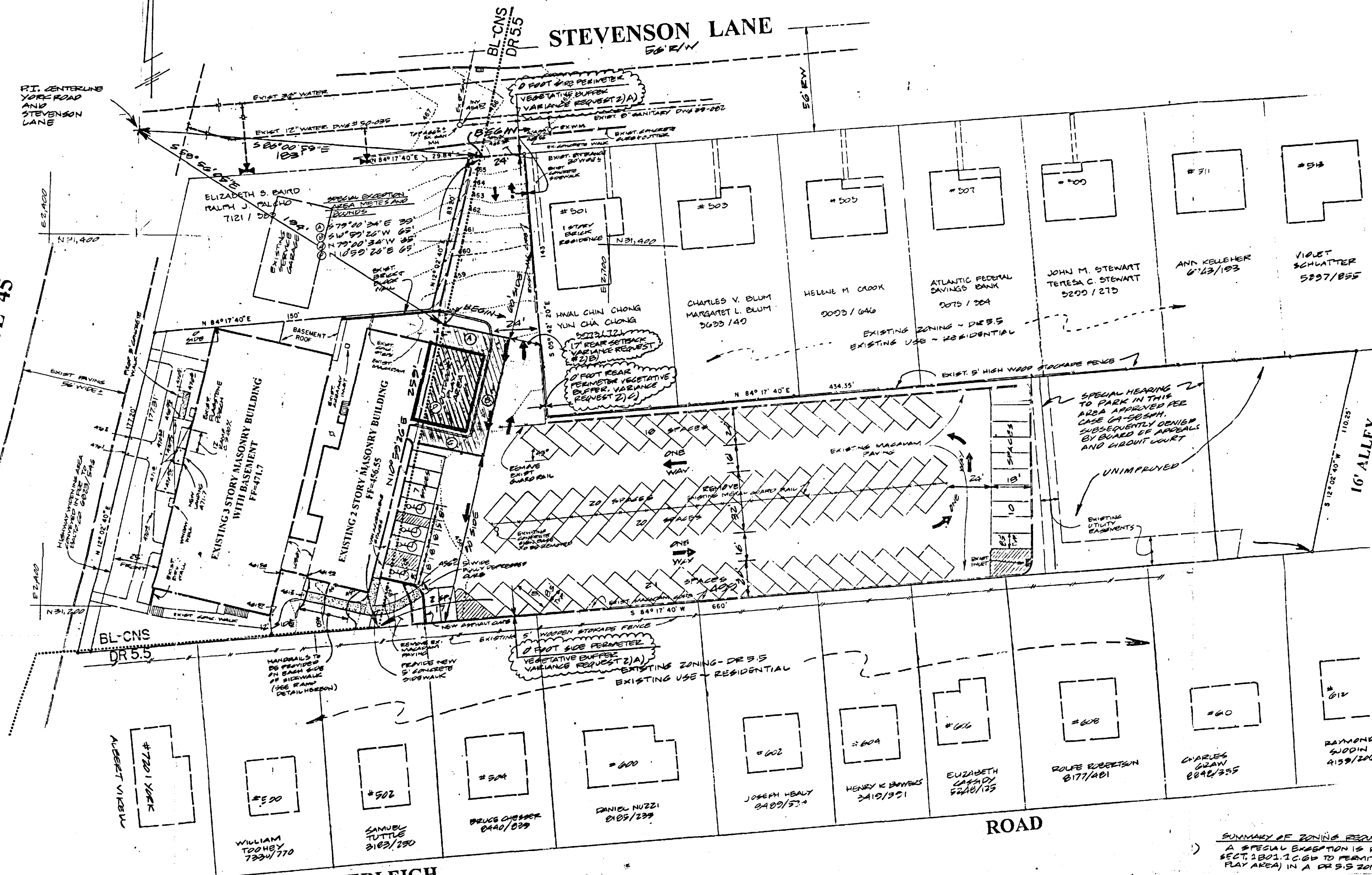


VICINITY MAP
SCALE: 1" = 1000'



PART OF 200 SCALE
ZONING MAP N.E.D.A.

YORK ROAD
STATE ROUTE 45
BL-CNS
DR 5.5



HATHERLEIGH

ROAD



OWNER / PETITIONER
BALTIMORE ASSOCIATION OF RETARDED CITIZENS
4000 YORK ROAD
BALTIMORE, MARYLAND 21212
322-5600



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

ZONING HISTORY
CASE # 4130
A SPECIAL HEARING WAS REQUESTED TO PERMIT OFF-STREET PARKING IN A RESIDENTIAL ZONE. (REQUEST WAS WITHDRAWN BY PETITIONER)
CASE # 64-58-SPH
A VARIANCE WAS GRANTED TO PERMIT A 0' REAR YARD SETBACK IN LIEU OF 20' AS MEASURED TO THE BL ZONE LINE AND A SPECIAL HEARING TO PERMIT OFF-STREET PARKING IN A RESIDENTIAL ZONE. (NO RESTRICTIONS)
BOARD OF APPEALS HEARING NO. 64-58-SPH
BOARD OF APPEALS UPHOLD VARIANCE REGARDING CASE 64-58-SPH AND DENIED PETITION FOR OFF-STREET PARKING IN RESIDENTIAL ZONE
CIRCUIT COURT FILE # 3204-3208
CIRCUIT COURT UPHOLD BOARD OF APPEALS DECISION REGARDING AFORESAID CASE

SITE DATA

GRASS AREA OF SITE (ON LOTS 27 & 28 OF STEVENSON LANE AND 24 OF YORK ROAD) = 2.10 ACRES
NET AREA OF SITE (AMONG PAVED ROAD INTERSECTIONS) = 1.96 ACRES
EXISTING ZONING - BL-CNS AND DR 5.5
GRASS AREA OF BL-CNS ZONE = 0.73 ACRES
NET AREA OF BL-CNS ZONE = 0.73 ACRES
GRASS AREA OF DR 5.5 ZONE = 1.37 ACRES
NET AREA OF DR 5.5 ZONE = 1.36 ACRES
AREA OF SPECIAL EXCEPTION (0.05 ACRES)
EXISTING USE - 3 STORY WITH BASEMENT GENERAL OFFICE BUILDING AND 2 STORY GENERAL OFFICE BUILDING
PROPOSED USE - 2 STORY DAY CARE BUILDING - FIRST FLOOR CLASS B GROUP CHILD CARE SECOND FLOOR ADULT DAY CARE
TAX ACCOUNT NUMBER - 1900012405
COUNCILMANCINE DISTRICT 4
PREVIOUS COMMERCIAL PERMITS - 221-66
FLOOR AREA RATIO - 43,075 SF GROSS BUILDING AREA / 1,799 SF GROSS AREA OF BL-CNS ZONE = 1:33:3.0
ADULTY OPEN SPACE - NONE (REQUIRE)
PLAT REFERENCE - 2427
DEED REFERENCE - 7701/202
SIGNAGE - ONLY TEMPORARY SIGNAGE EXISTS AT THIS TIME. ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 413.02(B) AND ALL ZONING SIGN POLICIES
PARKING REQUIREMENT - 3.87 CAR PER HOUR
9,435 SF BASEMENT GENERAL OFFICE @ 1 SP / 500 SF = 18.85 SPS
9,435 SF FIRST FLOOR GENERAL OFFICE @ 1 SP / 500 SF = 18.85 SPS
9,435 SF SECOND FLOOR GENERAL OFFICE @ 1 SP / 500 SF = 18.85 SPS
5,400 SF THIRD FLOOR GENERAL OFFICE @ 1 SP / 500 SF = 10.80 SPS
2 STORY BUILDING
4,900 SF ADULT DAY CARE @ 1 EMPLOYEE @ 1 SP / 500 SF = 9.80 SPS
4,900 SF CHILD DAY CARE @ 1 EMPLOYEE @ 1 SP / 500 SF = 9.80 SPS
TOTAL PARKING REQUIRED
TOTAL PARKING PROVIDED
SPACES 8.5 X 18' TYPICAL TOTAL INCLUDES 4 HANDICAP SPACES
ALL PARKING SPACES TO BE PERMANENTLY SURFED AND SHIELDED SITUATE ON A DRAINABLE AND DUST FREE SURFACE

NOTE:
THE PROPOSED CLASS B GROUP CHILD CARE CENTER SHALL COMPLY WITH SECTION 424.1A B+C

PETITIONER'S EXHIBIT 1

- SUMMARY OF ZONING REQUESTS**
- A SPECIAL EXCEPTION IS REQUESTED PURSUANT TO SECTION 424.5A (B+C) & SECT. 420.1C.8D TO PERMIT A CLASS B GROUP CHILD CARE CENTER (OUTDOOR PLAY AREA) IN A DR 5.5 ZONE
 - A) A VARIANCE IS REQUESTED TO SECTION 424.7B TO PERMIT A 0 FOOT SIDE YARD VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20 FEET SIDE YARD PERIMETER VEGETATIVE BUFFER.
B) A VARIANCE IS REQUESTED TO SECTION 424.7B TO PERMIT A 17' FEET REAR SETBACK IN LIEU OF THE REQUIRED 50 FEET
C) A VARIANCE IS REQUESTED TO SECTION 424.7B TO PERMIT A 0 FOOT REAR YARD VEGETATIVE BUFFER IN LIEU OF THE REQUIRED 20 FEET REAR YARD PERIMETER VEGETATIVE BUFFER
D) A VARIANCE IS REQUESTED TO SECTION 424.7E TO PERMIT AN IMPREVIOUS SURFACE AREA OF 10% OF THE GROSS AREA OF THE SPECIAL EXCEPTION AREA IN LIEU OF THE MAXIMUM PERMITTED 25%
E) A VARIANCE IS REQUESTED TO SECTION 424.7A TO PERMIT MINIMUM LOT SIZE (SPECIAL EXCEPTION AREA) AT 0.05 ACRES IN LIEU OF THE MINIMUM OF 1 AC. PLUS 500 SF FOR EVERY CHILD BEYOND 40 CHILDREN (50 CHILDREN) OR 1,111 AC.
3) A SPECIAL HEARING IS REQUESTED TO CONFIRM AND AMEND THE SITE PLAN FOR OFF-STREET PARKING IN THE RESIDENTIAL ZONE APPROVED IN CONJUNCTION WITH VARIANCE GRANTED PURSUANT TO CASE # 64-58-SPH

PLAT TO ACCOMPANY ZONING PETITION
BALTIMORE ASSOCIATION FOR RETARDED CITIZENS
7215 YORK ROAD
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

ELECTION DISTRICT NO. 9
NOVEMBER 11, 1993

94-723-SPHA